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RCE/1625  
TECH CENTER 1600/2000  
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PTO/SB/30 (5/2000) Approved for use through 10/31/2000. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

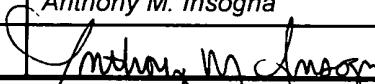
|                        |                                    |
|------------------------|------------------------------------|
| Express Mail No.       | EL 500 576 635 US                  |
| Application Number     | 09/674,877                         |
| Filing Date            | January 2, 2001                    |
| First Named Inventor   | Hoefle et al.                      |
| Group Art Unit         | 1625                               |
| Examiner Name          | C. Aulakh                          |
| Attorney Docket Number | 6013-192-999 (Previously 2727-127) |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**
  - a.  Previously submitted
    - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
    - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - iii.  Other \_\_\_\_\_
  - b.  Enclosed
    - i.  Amendment/Reply
    - ii.  Affidavit(s)/Declaration(s)
    - iii.  Information Disclosure Statement (IDS)
    - iv.  Other \_\_\_\_\_
2. **Miscellaneous**
  - a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
  - b.  Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed
  - a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Pennie & Edmonds LLP Deposit Account No. 16-1150:
    - i.  RCE fee required under 37 C.F.R. § 1.17(e), estimated to be \$ 740.00
    - ii.  Extension of time fee required under 37 C.F.R. §§ 1.136 and 1.17, estimated to be \$ \_\_\_\_\_ for a \_\_\_\_\_ month extension, the request for which is being made herewith
    - iii.  Other \_\_\_\_\_
  - b.  Check in the amount of \$ \_\_\_\_\_ enclosed
  - c.  Payment by credit card (Form PTO-2038 enclosed)

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                   |   |                                   |                 |
|-------------------|---|-----------------------------------|-----------------|
| Name (Print/Type) | Anthony M. Insogna  | Registration No. (Attorney/Agent) | 35,203          |
| Signature         |  | Date                              | October 6, 2002 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Hoefle et al.

Confirmation No.: 5629

Application No.: 09/674,877

Group Art Unit: 1625

Filed: January 2, 2001

Examiner: C. Aulakh

For: EPOTHILONE DERIVATIVES, A  
METHOD FOR THE  
PRODUCTION THEREOF, AND  
THEIR USE

Attorney Docket No.: 6013-192-999  
(Previously: 2727-127)

**AMENDMENT UNDER 37 C.F.R. § 1.114**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice of Allowability issued August 6, 2002, and in accordance with the Rules of Practice, please enter the following amendment and consider the remarks below in connection with a Request for Continued Examination. Submitted as part of the amendment is Exhibit A, a marked up copy of the amended claim.

**IN THE CLAIMS:**

Please amend claim 7 to read as follows:

*SUBS* > 7. (Twice amended) Epothilone derivative as in claims 4, 5, 6 or 18  
wherein the substituents of the monocyclic aromatic and/or hetero aromatic are C<sub>1-6</sub>-alkyl,  
C<sub>2-6</sub>-alkenyl, and C<sub>2-6</sub>-alkinyl groups respectively, and fluoro, chloro, bromo or iodo atoms.

**REMARKS**

Claims 1-14, 18-20 and 22-24 were allowed in the Notice of Allowability issued August 6, 2002 in connection with the above-identified application and were renumbered as 1-20. Claim 7 has been amended to conform to the Examiner's suggestion at page 4 of the